

108TH CONGRESS
1ST SESSION

H. R. 3641

To reform the financing of Federal elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2003

Mr. TIERNEY (for himself, Mr. GRIJALVA, Mr. HOFFEL, Mr. KIND, Mr. CASE, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. McDERMOTT, Ms. WOOLSEY, Mr. BLUMENAUER, Ms. KAPTUR, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. FARR, Mr. NADLER, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. SANDERS, Mr. CONYERS, Ms. DELAULO, Mr. LANTOS, Mr. DELAHUNT, Ms. ESHOO, Mr. WAXMAN, Mr. STARK, Mr. VAN HOLLEN, Ms. LEE, Mr. JACKSON of Illinois, and Mr. McNULTY) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Energy and Commerce and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To reform the financing of Federal elections, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Clean Money, Clean Elections Act”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CLEAN MONEY FINANCING OF HOUSE ELECTION
 CAMPAIGNS

Sec. 101. Findings and declarations.

Sec. 102. Eligibility requirements and benefits of Clean Money financing of
 House election campaigns.

“TITLE V—CLEAN MONEY FINANCING OF HOUSE ELECTION
 CAMPAIGNS

“Sec. 501. Definitions.

“Sec. 502. Eligibility for Clean Money.

“Sec. 503. Requirements applicable to Clean Money candidates.

“Sec. 504. Seed money.

“Sec. 505. Certification by Commission.

“Sec. 506. Benefits for Clean Money candidates.

“Sec. 507. Administration of Clean Money.

“Sec. 508. Expenditures made from funds other than Clean Money.

“Sec. 509. Authorization of appropriations.

Sec. 103. Reporting requirements for expenditures of private money candidates.

Sec. 104. Transition rule for current election cycle.

TITLE II—INDEPENDENT EXPENDITURES; COORDINATED
 POLITICAL PARTY EXPENDITURES

Sec. 201. Reporting requirements for independent expenditures.

Sec. 202. Limit on expenditures by political party committees.

Sec. 203. Treatment of coordinated expenditures as contributions.

TITLE III—VOTER INFORMATION

Sec. 301. Free broadcast time.

Sec. 302. Broadcast rates and preemption.

Sec. 303. Limit on Congressional use of the franking privilege.

TITLE IV—RESTRUCTURING AND STRENGTHENING OF THE
 FEDERAL ELECTION COMMISSION

Sec. 401. Appointment and terms of Commissioners.

Sec. 402. Audits.

Sec. 403. Authority to seek injunction.

Sec. 404. Standard for investigation.

Sec. 405. Petition for certiorari.

Sec. 406. Expedited procedures.

Sec. 407. Promoting expedited availability of FEC reports.

Sec. 408. Power to issue subpoena without signature of Chairperson.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Severability.

Sec. 502. Review of constitutional issues.

Sec. 503. Effective date.

1 **TITLE I—CLEAN MONEY FINANC-**
2 **ING OF HOUSE ELECTION**
3 **CAMPAIGNS**

4 **SEC. 101. FINDINGS AND DECLARATIONS.**

5 (a) UNDERMINING OF DEMOCRACY BY CAMPAIGN
6 CONTRIBUTIONS FROM PRIVATE SOURCES.—The Con-
7 gress finds and declares that the current system of pri-
8 vately financed campaigns for election to the House of
9 Representatives has the capacity, and is often perceived
10 by the public, to undermine democracy in the United
11 States by—

12 (1) violating the democratic principle of “one
13 person, one vote” and diminishing the meaning of
14 the right to vote by allowing monied interests to
15 have a disproportionate and unfair influence within
16 the political process;

17 (2) diminishing or giving the appearance of di-
18 minishing a Member of the House of
19 Representatives’s accountability to constituents by
20 compelling legislators to be accountable to the major
21 contributors who finance their election campaigns;

22 (3) creating a conflict of interest, perceived or
23 real, by encouraging Members to take money from
24 private interests that are directly affected by Federal
25 legislation;

1 (4) imposing large, unwarranted costs on tax-
2 payers through legislative and regulatory outcomes
3 shaped by unequal access to lawmakers for cam-
4 paign contributors;

5 (5) driving up the cost of election campaigns,
6 making it difficult for qualified candidates without
7 personal fortunes or access to campaign contribu-
8 tions from monied individuals and interest groups to
9 mount competitive House of Representatives election
10 campaigns;

11 (6) disadvantaging challengers, because large
12 campaign contributors tend to give their money to
13 incumbent Members, thus causing House of Rep-
14 resentatives elections to be less competitive; and

15 (7) burdening incumbents with a preoccupation
16 with fundraising and thus decreasing the time avail-
17 able to carry out their public responsibilities.

18 (b) ENHANCEMENT OF DEMOCRACY BY PROVIDING
19 CLEAN MONEY.—Congress finds and declares that pro-
20 viding the option of the replacement of private campaign
21 contributions with clean money financing for all primary,
22 runoff, and general elections to the House of Representa-
23 tives would enhance American democracy by—

24 (1) helping to eliminate access to wealth as a
25 determinant of a citizen's influence within the polit-

1 ical process and to restore meaning to the principle
2 of “one person, one vote”;

3 (2) increasing the public’s confidence in the ac-
4 countability of Members to the constituents who
5 elect them;

6 (3) eliminating the potentially inherent conflict
7 of interest caused by the private financing of the
8 election campaigns of public officials, thus restoring
9 public confidence in the fairness of the electoral and
10 legislative processes;

11 (4) reversing the escalating cost of elections
12 and saving taxpayers billions of dollars that are (or
13 that are perceived to be) currently misspent due to
14 legislative and regulatory agendas skewed by the in-
15 fluence of contributions;

16 (5) creating a more level playing field for in-
17 cumbents and challengers, creating genuine opportu-
18 nities for all Americans to run for the House of Rep-
19 resentatives, and encouraging more competitive elec-
20 tions; and

21 (6) freeing Members from the constant pre-
22 occupation with raising money, and allowing them
23 more time to carry out their public responsibilities.

1 **SEC. 102. ELIGIBILITY REQUIREMENTS AND BENEFITS OF**
 2 **CLEAN MONEY FINANCING OF HOUSE ELEC-**
 3 **TION CAMPAIGNS.**

4 The Federal Election Campaign Act of 1971 (2
 5 U.S.C. 431 et seq.) is amended by adding at the end the
 6 following:

7 **“TITLE V—CLEAN MONEY FI-**
 8 **NANCING OF HOUSE ELEC-**
 9 **TION CAMPAIGNS**

10 **“SEC. 501. DEFINITIONS.**

11 “In this title:

12 “(1) ALLOWABLE CONTRIBUTION.—The term
 13 ‘allowable contribution’ means a qualifying contribu-
 14 tion or seed money contribution.

15 “(2) CLEAN MONEY.—The term ‘clean money’
 16 means funds that are made available by the Com-
 17 mission to a clean money candidate under this title.

18 “(3) CLEAN MONEY CANDIDATE.—The term
 19 ‘clean money candidate’ means a candidate for Mem-
 20 ber of or Delegate or Resident Commissioner to the
 21 Congress who is certified under section 505 as being
 22 eligible to receive clean money.

23 “(4) CLEAN MONEY QUALIFYING PERIOD.—The
 24 term ‘clean money qualifying period’ means the pe-
 25 riod beginning on the date that is 180 days before
 26 the date of the primary election and ending on the

1 date that is 30 days before the date of the general
2 election. In the event of a special election, the clean
3 money qualifying period shall begin on the earlier
4 date of either the date that is 180 days before the
5 date of the special election or on the date of an-
6 nouncement of such special election date if same as
7 within 180 days of the date of the special election.
8 It shall end on the date that is 30 days before the
9 date of the special election.

10 “(5) GENERAL ELECTION PERIOD.—The term
11 ‘general election period’ means, with respect to a
12 candidate, the period beginning on the day after the
13 date of the primary or primary runoff election for
14 the specific office that the candidate is seeking,
15 whichever is later, and ending on the earlier of—

16 “(A) the date of the general election; or

17 “(B) the date on which the candidate with-
18 draws from the campaign or otherwise ceases
19 actively to seek election.

20 “(6) GENERAL RUNOFF ELECTION PERIOD.—
21 The term ‘general runoff election period’ means,
22 with respect to a candidate, the period beginning on
23 the day following the date of the last general election
24 for the specific office that the candidate is seeking

1 and ending on the date of the runoff election for
2 that office.

3 “(7) HOUSE OF REPRESENTATIVES ELECTION
4 FUND.—The term ‘House of Representatives Elec-
5 tion Fund’ means the fund established by section
6 507(a).

7 “(8) IMMEDIATE FAMILY.—The term ‘imme-
8 diate family’ means—

9 “(A) a candidate’s spouse;

10 “(B) a child, stepchild, parent, grand-
11 parent, brother, half-brother, sister, or half-sis-
12 ter of the candidate or the candidate’s spouse;
13 and

14 “(C) the spouse of any person described in
15 subparagraph (B).

16 “(9) MAJOR PARTY CANDIDATE.—The term
17 ‘major party candidate’ means a candidate of a po-
18 litical party of which a candidate for Member of or
19 Delegate or Resident Commissioner to the Congress,
20 for President, or for Governor in the preceding 5
21 years received, as a candidate of that party, 25 per-
22 cent or more of the total number of popular votes
23 received in the State (or Congressional district, if
24 applicable) by all candidates for the same office.

1 “(10) PERSONAL FUNDS.—The term ‘personal
2 funds’ means an amount that is derived from—

3 “(A) the personal funds of the candidate
4 or a member of the candidate’s immediate fam-
5 ily; and

6 “(B) proceeds of indebtedness incurred by
7 the candidate or a member of the candidate’s
8 immediate family.

9 “(11) PERSONAL USE.—

10 “(A) IN GENERAL—The term ‘personal
11 use’ means the use of funds to fulfill a commit-
12 ment, obligation, or expense of a person that
13 would exist irrespective of the candidate’s elec-
14 tion campaign or individual’s duties as a holder
15 of Federal office.

16 “(B) INCLUSIONS.—The term ‘personal
17 use’ includes, but is not limited to—

18 “(i) a home mortgage, rent, or utility
19 payment;

20 “(ii) a clothing purchase;

21 “(iii) a noncampaign-related auto-
22 mobile expense;

23 “(iv) a country club membership;

24 “(v) a vacation or other noncampaign-
25 related trip;

1 “(vi) a household food item;

2 “(vii) a tuition payment;

3 “(viii) admission to a sporting event,
4 concert, theater, or other form of enter-
5 tainment not associated with an election
6 campaign; and

7 “(ix) dues, fees, and other payments
8 to a health club or recreational facility.

9 “(12) PRIMARY ELECTION PERIOD.—The term
10 ‘primary election period’ means the period beginning
11 on the date that is 90 days before the date of the
12 primary election and ending on the date of the pri-
13 mary election. In the event of a special primary elec-
14 tion, if applicable, the term ‘primary election period’
15 means the period beginning on the date that is the
16 longer of 90 days before the date of such special pri-
17 mary election, or the date of establishment by the
18 appropriate election authority of the special primary
19 election date and ending on the date of the special
20 primary election.

21 “(13) PRIMARY RUNOFF ELECTION PERIOD.—
22 The term ‘primary runoff election period’ means,
23 with respect to a candidate, the period beginning on
24 the day following the date of the last primary elec-
25 tion for the specific office that the candidate is seek-

1 ing and ending on the date of the runoff election
2 for that office.

3 “(14) PRIVATE MONEY CANDIDATE.—The term
4 ‘private money candidate’ means a candidate for
5 Member of or Delegate or Resident Commissioner to
6 the Congress other than a clean money candidate.

7 “(15) QUALIFYING CONTRIBUTION.—The term
8 ‘qualifying contribution’ means a contribution that—

9 “(A) is in the amount of \$5 exactly;

10 “(B) is made by an individual who is a
11 resident of the candidate’s State and is other-
12 wise authorized to make a contribution under
13 this Act;

14 “(C) is made during the clean money
15 qualifying period; and

16 “(D) meets the requirements of section
17 502(a)(2)(D).

18 “(16) SEED MONEY CONTRIBUTION.—The term
19 ‘seed money contribution’ means a contribution (or
20 contributions in the aggregate made by any 1 per-
21 son) of not more than \$100.

22 “(17) STATE.—The term ‘State’ includes the
23 District of Columbia, Puerto Rico, the Virgin Is-
24 lands, American Samoa, and Guam.

1 **“SEC. 502. ELIGIBILITY FOR CLEAN MONEY.**

2 “(a) PRIMARY ELECTION PERIOD AND PRIMARY
3 RUNOFF ELECTION PERIOD.—

4 “(1) IN GENERAL.—A candidate qualifies as a
5 clean money candidate during the primary election
6 period and primary runoff election period if the can-
7 didate files with the Commission a declaration,
8 signed by the candidate and the treasurer of the
9 candidate’s principal campaign committee, that the
10 candidate—

11 “(A) has complied and will comply with all
12 of the requirements of this title;

13 “(B) will not run in the general election as
14 a private money candidate; and

15 “(C) meets the qualifying contribution re-
16 quirement of paragraph (2).

17 “(2) QUALIFYING CONTRIBUTION REQUIRE-
18 MENT.—

19 “(A) MAJOR PARTY CANDIDATES AND CER-
20 TAIN INDEPENDENT CANDIDATES.—The re-
21 quirement of this paragraph is met if, during
22 the clean money qualifying period, a major
23 party candidate (or an independent candidate
24 who meets the minimum vote percentage re-
25 quired for a major party candidate under sec-

tion 501(9)) receives 1,500 qualifying contributions.

“(B) OTHER CANDIDATES.—The requirement of this paragraph is met if, during the clean money qualifying period, a candidate who is not described in subparagraph (A) receives a number of qualifying contributions that is at least 150 percent of the number of qualifying contributions that a candidate described in subparagraph (A) in the same election is required to receive under subparagraph (A).

“(C) RECEIPT OF QUALIFYING CONTRIBUTION.—A qualifying contribution shall—

“(i) be accompanied by the contributor’s name and home address;

“(ii) be accompanied by a signed statement that the contributor understands the purpose of the qualifying contribution;

“(iii) be made by a personal check or money order payable to the House of Representatives Election Fund or by cash; and

“(iv) be acknowledged by a receipt that is sent to the contributor with a copy kept by the candidate for the Commission and a copy kept by the candidate for the

1 election authorities in the candidate's
2 State.

3 “(D) DEPOSIT OF QUALIFYING CONTRIBU-
4 TIONS IN HOUSE OF REPRESENTATIVES ELEC-
5 TION FUND.—

6 “(i) IN GENERAL.—Not later than the
7 date that is 1 day after the date on which
8 the candidate is certified under section
9 505, a candidate shall remit all qualifying
10 contributions to the Commission for de-
11 posit in the House of Representatives Elec-
12 tion Fund.

13 “(ii) CANDIDATES THAT ARE NOT
14 CERTIFIED.—Not later than the last day of
15 the clean money qualifying period, a can-
16 didate who has received qualifying con-
17 tributions and is not certified under section
18 505 shall remit all qualifying contributions
19 to the Commission for deposit in the
20 House of Representatives Election Fund.

21 “(3) TIME TO FILE DECLARATION.—A declara-
22 tion under paragraph (1) shall be filed by a can-
23 didate not later than the date that is 30 days before
24 the date of the primary election. With respect to any
25 special primary election, a declaration under para-

graph (1) shall be filed by a candidate not later than the date that is 30 days before the special primary election.

“(b) GENERAL ELECTION PERIOD.—

“(1) IN GENERAL.—A candidate qualifies as a clean money candidate during the general election period if—

“(A)(i) the candidate qualified as a clean money candidate during the primary election period (and primary runoff election period, if applicable); or

“(ii) the candidate files with the Commission a declaration, signed by the candidate and the treasurer of the candidate’s principal committee, that the candidate—

“(I) has complied and will comply with all the requirements of this title; and

“(II) meets the qualifying contribution requirement of subsection (a)(2);

“(B) the candidate files with the Commission a written agreement between the candidate and the candidate’s political party in which the political party agrees not to make any expenditures in connection with the general election of

1 the candidate in excess of the limit in section
2 315(d)(3)(C); and

3 “(C) the candidate’s party nominated the
4 candidate to be placed on the ballot for the gen-
5 eral election or the candidate qualified to be
6 placed on the ballot as an independent can-
7 didate, and the candidate is qualified under
8 State law to be on the ballot.

9 “(2) TIME TO FILE DECLARATION OR STATE-
10 MENT.—A declaration or statement required to be
11 filed under paragraph (1) shall be filed by a can-
12 didate not later than the date that is 30 days before
13 the date of the general election. With respect to any
14 special general election, a declaration or statement
15 required to be filed under paragraph (1) shall be
16 filed by a candidate not later than the date that is
17 30 days before the date of the special general elec-
18 tion.

19 “(c) GENERAL RUNOFF ELECTION PERIOD.—A can-
20 didate qualifies as a clean money candidate during the
21 general runoff election period if the candidate qualified as
22 a clean money candidate during the general election pe-
23 riod.

1 **“SEC. 503. REQUIREMENTS APPLICABLE TO CLEAN MONEY**
2 **CANDIDATES.**

3 “(a) CONTRIBUTIONS AND EXPENDITURES.—

4 “(1) PROHIBITION OF PRIVATE CONTRIBU-
5 TIONS.—Except as otherwise provided in this title,
6 during the election cycle of a clean money candidate,
7 the candidate shall not accept contributions other
8 than clean money from any source.

9 “(2) PROHIBITION OF EXPENDITURES FROM
10 PRIVATE SOURCES.—Except as otherwise provided in
11 this title, during the election cycle of a clean money
12 candidate, the candidate shall not make expenditures
13 from any amounts other than clean money amounts.

14 “(b) USE OF PERSONAL FUNDS.—

15 “(1) IN GENERAL.—A clean money candidate
16 shall not use personal funds to make an expenditure
17 except as provided in paragraph (2).

18 “(2) EXCEPTIONS.—A seed money contribution
19 or qualifying contribution from the candidate or a
20 member of the candidate’s immediate family shall
21 not be considered to be use of personal funds.

22 **“SEC. 504. SEED MONEY.**

23 “(a) SEED MONEY LIMIT.—A clean money candidate
24 may accept seed money contributions in an aggregate
25 amount not exceeding \$35,000.

1 “(b) CONTRIBUTION LIMIT.—Except as provided in
2 section 502(a)(2), a clean money candidate shall not ac-
3 cept a contribution from any person except a seed money
4 contribution (as defined in section 501).

5 “(c) RECORDS.—A clean money candidate shall
6 maintain a record of the contributor’s name, street ad-
7 dress, and amount of the contribution.

8 “(d) USE OF SEED MONEY.—

9 “(1) IN GENERAL.—A clean money candidate
10 may expend seed money for any election campaign-
11 related costs, including costs to open an office, fund
12 a grassroots campaign, or hold community meetings.

13 “(2) PROHIBITED USES.—A clean money can-
14 didate shall not expend seed money for—

15 “(A) a television or radio broadcast; or

16 “(B) personal use.

17 “(e) REPORT.—Unless a seed money contribution or
18 expenditure made with a seed money contribution has
19 been reported previously under section 304, a clean money
20 candidate shall file with the Commission a report dis-
21 closing all seed money contributions and expenditures not
22 later than 48 hours after—

23 “(1) the earliest date on which the Commission
24 makes funds available to the candidate for an elec-

1 tion period under paragraph (1) or (2) of section
2 506(b); or

3 “(2) the end of the clean money qualifying pe-
4 riod,
5 whichever occurs first.

6 “(f) TIME TO ACCEPT SEED MONEY CONTRIBU-
7 TIONS.—A clean money candidate may accept seed money
8 contributions for an election from the day after the date
9 of the previous general election for the office to which the
10 candidate is seeking election through the earliest date on
11 which the Commission makes funds available to the can-
12 didate for an election period under paragraph (1) or (2)
13 of section 506(b).

14 “(g) DEPOSIT OF UNSPENT SEED MONEY CON-
15 TRIBUTIONS.—A clean money candidate shall remit any
16 unspent seed money to the Commission, for deposit in the
17 House of Representatives Election Fund, not later than
18 the earliest date on which the Commission makes funds
19 available to the candidate for an election period under
20 paragraph (1) or (2) of section 506(b).

21 “(h) NOT CONSIDERED AN EXPENDITURE.—An ex-
22 penditure made with seed money shall not be treated as
23 an expenditure for purposes of section 506(f)(2).

1 **“SEC. 505. CERTIFICATION BY COMMISSION.**

2 “(a) IN GENERAL.—Not later than 5 days after a
3 candidate files a declaration under section 502, the Com-
4 mission shall—

5 “(1) determine whether the candidate meets the
6 eligibility requirements of section 502; and

7 “(2) certify whether or not the candidate is a
8 clean money candidate.

9 “(b) REVOCATION OF CERTIFICATION.—The Com-
10 mission may revoke a certification under subsection (a)
11 if a candidate fails to comply with this title.

12 “(c) REPAYMENT OF BENEFITS.—If certification is
13 revoked under subsection (b), the candidate shall repay
14 to the House of Representatives Election Fund an amount
15 equal to the value of benefits received under this title.

16 **“SEC. 506. BENEFITS FOR CLEAN MONEY CANDIDATES.**

17 “(a) IN GENERAL.—A clean money candidate shall
18 be entitled to—

19 “(1) a clean money amount for each election
20 period to make or obligate to make expenditures
21 during the election period for which the clean money
22 is provided, as provided in subsection (c);

23 “(2) media benefits under section 315 of the
24 Communications Act of 1934 (47 U.S.C. 315); and

25 “(3) an aggregate amount of increase in the
26 clean money amount in response to certain inde-

pendent expenditures and expenditures of a private money candidate under subsection (d) that, in the aggregate, are in excess of 125 percent of the clean money amount of the clean money candidate.

“(b) PAYMENT OF CLEAN MONEY AMOUNT.—

“(1) PRIMARY ELECTION.—The Commission shall make funds available to a clean money candidate on the later of—

“(A) the date on which the candidate is certified as a clean money candidate under section 505; or

“(B) the date on which the primary election period begins.

“(2) GENERAL ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after—

“(A) certification of the primary election or primary runoff election result; or

“(B) the date on which the candidate is certified as a clean money candidate under section 505 for the general election,

whichever occurs first.

“(3) RUNOFF ELECTION.—The Commission shall make funds available to a clean money candidate not later than 48 hours after the certification

1 of the primary or general election result (as applica-
2 ble).

3 “(c) MONEY AMOUNTS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the clean money amount paid to a clean
6 money candidate with respect to an election shall be
7 equal to the applicable percentage of 80 percent of
8 the base amount for the election cycle involved, ex-
9 cept that in no event may the amount determined
10 under this subsection for a clean money candidate
11 for an election cycle be less than the amount deter-
12 mined under this subsection for the candidate for
13 the previous election cycle.

14 “(2) REDUCTION FOR UNCONTESTED ELEC-
15 TIONS.—If a clean money candidate has no opposi-
16 tion in an election for which a payment is made
17 under this section, the clean money amount paid
18 shall be 40 percent of the amount otherwise deter-
19 mined under paragraph (1).

20 “(3) DEFINITIONS.—

21 “(A) APPLICABLE PERCENTAGE.—In this
22 subsection, the ‘applicable percentage’ is as fol-
23 lows:

1 “(i) 25 percent, in the case of a can-
 2 didate in a primary election who is not a
 3 major party candidate.

4 “(ii) 40 percent, in the case of a
 5 major party candidate in a primary elec-
 6 tion.

7 “(iii) 60 percent, in the case of any
 8 candidate in a general election.

9 “(B) BASE AMOUNT.—In this subsection,
 10 the term ‘base amount’ means (with respect to
 11 an election cycle) the national average of all
 12 amounts expended by winning candidates dur-
 13 ing the 3 most recent general elections for
 14 Member of, or Delegate or Resident Commis-
 15 sioner to, the Congress preceding the election
 16 cycle involved.

17 “(d) MATCHING FUNDS IN RESPONSE TO INDE-
 18 PENDENT EXPENDITURES AND EXPENDITURES OF PRI-
 19 VATE MONEY CANDIDATES.—

20 “(1) IN GENERAL.—If the Commission—

21 “(A) receives notification under—

22 “(i) subparagraphs (A) or (B) of sec-
 23 tion 304(c)(2) that a person has made or
 24 obligated to make an independent expendi-
 25 ture in an aggregate amount of \$1,000 or

1 more in an election period or that a person
2 has made or obligated to make an inde-
3 pendent expenditure in an aggregate
4 amount of \$500 or more during the 20
5 days preceding the date of an election in
6 support of another candidate or against a
7 clean money candidate; or

8 “(ii) section 304(i)(1) that a private
9 money candidate has made or obligated to
10 make expenditures in an aggregate amount
11 in excess of 100 percent of the amount of
12 clean money provided to a clean money
13 candidate who is an opponent of the pri-
14 vate money candidate in the same election;
15 and

16 “(B) determines that the aggregate
17 amount of expenditures reported under sub-
18 paragraph (A) in an election period is in excess
19 of 125 percent of the amount of clean money
20 provided to a clean money candidate who is an
21 opponent of the private money candidate in the
22 same election or against whom the independent
23 expenditure is made,

24 the Commission shall make available to the clean
25 money candidate, not later than 24 hours after re-

1 ceiving a notification under subparagraph (A), an
2 aggregate amount of increase in clean money in an
3 amount equal to the aggregate amount of expendi-
4 tures that is in excess of 125 percent of the amount
5 of clean money provided to the clean money can-
6 didate as determined under subparagraph (B).

7 “(2) CLEAN MONEY CANDIDATES OPPOSED BY
8 MORE THAN 1 PRIVATE MONEY CANDIDATE.—For
9 purposes of paragraph (1), if a clean money can-
10 didate is opposed by more than 1 private money can-
11 didate in the same election, the Commission shall
12 take into account only the amount of expenditures of
13 the private money candidate that expends, in the ag-
14 gregate, the greatest amount (as determined each
15 time notification is received under section 304(i)(1)).

16 “(3) CLEAN MONEY CANDIDATES OPPOSED BY
17 CLEAN MONEY CANDIDATES.—If a clean money can-
18 didate is opposed by a clean money candidate, the
19 increase in clean money amounts under paragraph
20 (1) shall be made available to the clean money can-
21 didate if independent expenditures are made against
22 the clean money candidate or in behalf of the oppos-
23 ing clean money candidate in the same manner as
24 the increase would be made available for a clean

1 money candidate who is opposed by a private money
2 candidate.

3 “(e) LIMITS ON MATCHING FUNDS.—The aggregate
4 amount of clean money that a clean money candidate re-
5 ceives to match independent expenditures and the expendi-
6 tures of private money candidates under subsection (d)
7 shall not exceed 200 percent of the clean money amount
8 that the clean money candidate receives under subsection
9 (c).

10 “(f) EXPENDITURES MADE WITH CLEAN MONEY
11 AMOUNTS.—

12 “(1) IN GENERAL.—The clean money amount
13 received by a clean money candidate shall be used
14 only for the purpose of making or obligating to make
15 expenditures during the election period for which the
16 clean money is provided.

17 “(2) EXPENDITURES IN EXCESS OF CLEAN
18 MONEY AMOUNT.—A clean money candidate shall
19 not make expenditures or incur obligations in excess
20 of the clean money amount.

21 “(3) PROHIBITED USES.—The clean money
22 amount received by a clean money candidate shall
23 not be—

24 “(A) converted to a personal use; or

25 “(B) used in violation of law.

1 “(4) REPAYMENT; CIVIL PENALTIES.—

2 “(A) If the Commission determines that
3 any benefit made available to a clean money
4 candidate under this title was not used as pro-
5 vided for in this title, or that a clean money
6 candidate has violated any of the spending lim-
7 its or dates for remission of funds contained in
8 this Act, the Commission shall so notify the
9 candidate and the candidate shall pay to the
10 House of Representatives’ Election Fund an
11 amount equal to the amount of benefits so
12 used, or the amount spent in excess of the lim-
13 its or the amount not timely remitted, as appro-
14 priate.

15 “(B) Any action by the Commission in ac-
16 cordance with this section shall not preclude en-
17 forcement proceedings by the Commission in ac-
18 cordance with section 309(a), including a refer-
19 ral by the Commission to the Attorney General
20 in the case of an apparent knowing and willful
21 violation of this title.

22 “(g) REMITTING OF CLEAN MONEY AMOUNTS.—Not
23 later than the date that is 14 days after the last day of
24 the applicable election period, a clean money candidate
25 shall remit any unspent clean money amount to the Com-

1 mission for deposit in the House of Representatives Elec-
2 tion Fund.

3 **“SEC. 507. ADMINISTRATION OF CLEAN MONEY.**

4 “(a) HOUSE OF REPRESENTATIVES ELECTION
5 FUND.—

6 “(1) ESTABLISHMENT.—There is established in
7 the Treasury a fund to be known as the ‘House of
8 Representatives Election Fund’.

9 “(2) DEPOSITS.—The Commission shall deposit
10 unspent seed money contributions, qualifying con-
11 tributions, penalty amounts received under this title,
12 and amounts appropriated for clean money financing
13 in the House of Representatives Election Fund.

14 “(3) FUNDS.—The Commission shall withdraw
15 the clean money amount for a clean money can-
16 didate from the House of Representatives Election
17 Fund.

18 “(b) REGULATIONS.—The Commission shall promul-
19 gate regulations to—

20 “(1) effectively and efficiently monitor and en-
21 force the limits on use of private money by clean
22 money candidates;

23 “(2) effectively and efficiently monitor use of
24 publicly financed amounts under this title; and

1 “(3) enable clean money candidates to monitor
2 expenditures and comply with the requirements of
3 this title.

4 **“SEC. 508. EXPENDITURES MADE FROM FUNDS OTHER**
5 **THAN CLEAN MONEY.**

6 “If a clean money candidate makes an expenditure
7 using funds other than funds provided under this title, the
8 Commission shall assess a civil penalty against the can-
9 didate in an amount that is not more than 10 times the
10 amount of the expenditure.

11 **“SEC. 509. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to the
13 House of Representatives Election Fund such sums as are
14 necessary to carry out this title.”.

15 **SEC. 103. REPORTING REQUIREMENTS FOR EXPENDITURES**
16 **OF PRIVATE MONEY CANDIDATES.**

17 Section 304 of the Federal Election Campaign Act
18 of 1971 (2 U.S.C. 434), as amended by section 308(b)
19 of the Bipartisan Campaign Reform Act of 2003, is
20 amended by adding at the end the following:

21 “(i) PRIVATE MONEY CANDIDATES.—

22 “(1) EXPENDITURES IN EXCESS OF CLEAN
23 MONEY AMOUNTS.—Not later than 48 hours after
24 making or obligating to make an expenditure, a pri-
25 vate money candidate (as defined in section 501)

1 that makes or obligates to make expenditures, in an
2 aggregate amount in excess of 100 percent of the
3 amount of clean money provided to a clean money
4 candidate (as defined in section 501), during an
5 election period (as defined by section 501) who is an
6 opponent of the clean money candidate shall file
7 with the Commission a report stating the amount of
8 each expenditure (in increments of an aggregate
9 amount of \$100) made or obligated to be made.

10 “(2) PLACE OF FILING; NOTIFICATION.—

11 “(A) PLACE OF FILING.—A report under
12 this subsection shall be filed with the Commis-
13 sion.

14 “(B) NOTIFICATION OF CLEAN MONEY
15 CANDIDATES.—Not later than 24 hours after
16 receipt of a report under this subsection, the
17 Commission shall notify each clean money can-
18 didate seeking nomination for election to, or
19 election to, the office in question, of the receipt
20 of the report.

21 “(3) DETERMINATIONS BY THE COMMISSION.—

22 “(A) IN GENERAL.—The Commission may,
23 on a request of a candidate or on its own initia-
24 tive, make a determination that a private
25 money candidate has made, or has obligated to

1 make, expenditures in excess of the applicable
2 amount in paragraph (1).

3 “(B) NOTIFICATION.—In the case of such
4 a determination, the Commission shall notify
5 each clean money candidate seeking nomination
6 for election to, or election to, the office in ques-
7 tion, of the making of the determination not
8 later than 24 hours after making the deter-
9 mination.

10 “(C) TIME TO COMPLY WITH REQUEST
11 FOR DETERMINATION.—A determination made
12 at the request of a candidate shall be made not
13 later than 48 hours after the date of the re-
14 quest.”.

15 **SEC. 104. TRANSITION RULE FOR CURRENT ELECTION**
16 **CYCLE.**

17 (a) IN GENERAL.—During the election cycle in effect
18 on the date of enactment of this Act, a candidate may
19 be certified as a clean money candidate (as defined in sec-
20 tion 501 of the Federal Election Campaign Act of 1971,
21 as added by section 102), notwithstanding the acceptance
22 of contributions or making of expenditures from private
23 funds before the date of enactment that would, absent this
24 section, disqualify the candidate as a clean money can-
25 didate.

1 (b) PRIVATE FUNDS.—A candidate may be certified
 2 as a clean money candidate only if any private funds ac-
 3 cepted and not expended before the date of enactment of
 4 this Act are—

5 (1) returned to the contributor; or

6 (2) submitted to the Federal Election Commis-
 7 sion for deposit in the House of Representatives
 8 Election Fund (as defined in section 501 of the Fed-
 9 eral Election Campaign Act of 1971, as added by
 10 section 102).

11 **TITLE II—INDEPENDENT EX-**
 12 **PENDITURES; COORDINATED**
 13 **POLITICAL PARTY EXPENDI-**
 14 **TURES**

15 **SEC. 201. REPORTING REQUIREMENTS FOR INDEPENDENT**
 16 **EXPENDITURES.**

17 Section 304(c) of the Federal Election Campaign Act
 18 of 1971 (2 U.S.C. 434(c)) is amended—

19 (1) by striking “(c)(1) Every person” and in-
 20 serting the following:

21 “(c) INDEPENDENT EXPENDITURES.—

22 “(1) IN GENERAL.—

23 “(A) REQUIRED FILING.—Except as pro-
 24 vided in paragraph (2), every person”;

(2) in paragraph (2), by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and adjusting the margins accordingly; and

(4) by adding at the end the following:

“(2) HOUSE OF REPRESENTATIVES ELECTIONS
WITH A CLEAN MONEY CANDIDATE.—

“(A) INDEPENDENT EXPENDITURES MORE
THAN 20 DAYS BEFORE AN ELECTION.—

“(i) IN GENERAL.—Not later than 48
hours after making an independent expenditure, more than 20 days before the date of an election, in support of an opponent of or in opposition to a clean money candidate (as defined in section 501), a person that makes independent expenditures in an aggregate amount in excess of \$1,000 during an election period (as defined in section 501) shall file with the Commission a statement containing the information described in clause (ii).

1 “(ii) CONTENTS OF STATEMENT.—A
2 statement under subparagraph (A) shall
3 include a certification, under penalty of
4 perjury, that contains the information re-
5 quired by subsection (b)(6)(B)(iii).

6 “(iii) ADDITIONAL STATEMENTS.—An
7 additional statement shall be filed for each
8 aggregate of independent expenditures that
9 exceeds \$1,000.

10 “(B) INDEPENDENT EXPENDITURES DUR-
11 ING THE 20 DAYS PRECEDING AN ELECTION.—
12 Not later than 24 hours after making or obli-
13 gating to make an independent expenditure in
14 support of an opponent of or in opposition to a
15 clean money candidate in an aggregate amount
16 in excess of \$500, during the 20 days preceding
17 the date of an election, a person that makes or
18 obligates to make the independent expenditure
19 shall file with the Commission a statement stat-
20 ing the amount of each independent expenditure
21 made or obligated to be made.

22 “(C) PLACE OF FILING; NOTIFICATION.—

23 “(i) PLACE OF FILING.—A report or
24 statement under this paragraph shall be
25 filed with the Commission.

1 “(ii) NOTIFICATION OF CLEAN MONEY
2 CANDIDATES.—Not later than 24 hours,
3 but excluding the time from 5:00 p.m. Fri-
4 day through and until 9:00 a.m. the fol-
5 lowing Monday, and legal holidays after re-
6 ceipt of a statement under this paragraph,
7 the Commission shall notify each clean
8 money candidate seeking nomination for
9 election to, or election to, the office in
10 question of the receipt of a statement.

11 “(D) DETERMINATION BY THE COMMIS-
12 SION.—

13 “(i) IN GENERAL.—The Commission
14 may, on request of a candidate or on its
15 own initiative, make a determination that a
16 person has made or obligated to make
17 independent expenditures with respect to a
18 candidate that in the aggregate exceed the
19 applicable amount under subparagraph
20 (A).

21 “(ii) NOTIFICATION.—Not later than
22 24 hours after making a determination
23 under clause (i), the Commission shall no-
24 tify each clean money candidate in the

1 election of the making of the determina-
 2 tion.

3 “(iii) TIME TO COMPLY WITH RE-
 4 QUEST FOR DETERMINATION.—A deter-
 5 mination made at the request of a can-
 6 didate shall be made not later than 48
 7 hours after the date of the request.”.

8 **SEC. 202. LIMIT ON EXPENDITURES BY POLITICAL PARTY**
 9 **COMMITTEES.**

10 Section 315(d)(3) of the Federal Election Campaign
 11 Act of 1971 (2 U.S.C. 441a(d)(3)) is amended—

12 (1) in subparagraph (A)—

13 (A) in the matter preceding clause (i), by
 14 striking “in the case” and inserting “except as
 15 provided in subparagraph (C), in the case”, and

16 (B) by striking “and” at the end;

17 (2) in subparagraph (B)—

18 (A) by striking “in the case” and inserting
 19 “except as provided in subparagraph (C), in the
 20 case”, and

21 (B) by striking the period at the end and
 22 inserting “; and”; and

23 (3) by adding at the end the following:

24 “(C) in the case of an election to the office of
 25 Representative in or Delegate or Resident Commis-

1 sioner to the Congress in which 1 or more can-
 2 didates is a clean money candidate (as defined in
 3 section 501), 10 percent of the amount of clean
 4 money that a clean money candidate is eligible to re-
 5 ceive for the general election period.”.

6 **SEC. 203. TREATMENT OF COORDINATED EXPENDITURES**
 7 **AS CONTRIBUTIONS.**

8 (a) IN GENERAL.—Section 301(8) of the Federal
 9 Election Campaign Act of 1971 (2 U.S.C. 431(8)) is
 10 amended—

11 (1) in subparagraph (A)—

12 (A) by striking “or” at the end of clause

13 (i);

14 (B) by striking the period at the end of
 15 clause (ii) and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(iii) a payment made for a commu-
 18 nication or anything of value that is for
 19 the purpose of influencing an election for
 20 Federal office and that is made in coordi-
 21 nation with a candidate (as defined in sub-
 22 paragraph (C)).”; and

23 (2) by adding at the end the following:

1 “(C) For the purposes of subparagraph
2 (A)(iii), the term ‘payment made in coordina-
3 tion with a candidate’ includes—

4 “(i) a payment made by a person in
5 cooperation, consultation, or concert with,
6 at the request or suggestion of, or pursu-
7 ant to any general or particular under-
8 standing with a candidate, the candidate’s
9 authorized committee, or an agent acting
10 on behalf of a candidate or authorized
11 committee;

12 “(ii) a payment made by a person for
13 the dissemination, distribution, or republi-
14 cation, in whole or in part, of any broad-
15 cast or any written, graphic, or other form
16 of campaign material prepared by a can-
17 didate, a candidate’s authorized committee,
18 or an agent of a candidate or authorized
19 committee (not including a communication
20 described in paragraph (9)(B)(i) or a com-
21 munication that expressly advocates the
22 candidate’s defeat);

23 “(iii) a payment made based on infor-
24 mation about a candidate’s plans, projects,
25 or needs provided to the person making the

1 payment by the candidate or the can-
2 didate's agent who provides the informa-
3 tion with a view toward having the pay-
4 ment made;

5 “(iv) a payment made by a person if,
6 in the same election cycle in which the pay-
7 ment is made, the person making the pay-
8 ment is serving or has served as a member,
9 employee, fundraiser, or agent of the can-
10 didate's authorized committee in an execu-
11 tive or policymaking position;

12 “(v) a payment made by a person if
13 the person making the payment has served
14 in any formal policy or advisory position
15 with the candidate's campaign or has par-
16 ticipated in strategic or policymaking dis-
17 cussions with the candidate's campaign re-
18 lating to the candidate's pursuit of nomi-
19 nation for election, or election, to Federal
20 office, in the same election cycle as the
21 election cycle in which the payment is
22 made; and

23 “(vi) a payment made by a person if
24 the person making the payment retains the
25 professional services of an individual or

1 person who has provided or is providing
2 campaign-related services in the same elec-
3 tion cycle to a candidate in connection with
4 the candidate's pursuit of nomination for
5 election, or election, to Federal office, in-
6 cluding services relating to the candidate's
7 decision to seek Federal office, and the
8 payment is for services of which the pur-
9 pose is to influence that candidate's elec-
10 tion.

11 “(D) For purposes of subparagraph
12 (C)(vi), the term ‘professional services’ includes
13 services in support of a candidate's pursuit of
14 nomination for election, or election, to Federal
15 office such as polling, media advice, direct mail,
16 fundraising, or campaign research.”.

17 (b) EXCEPTION FOR CLEAN MONEY CANDIDATES.—
18 Section 315(a)(7) of such Act (2 U.S.C. 441a(a)(7)) is
19 amended by striking paragraph (B) and inserting the fol-
20 lowing:

21 “(B)(i) Except as provided in clause (ii), a pay-
22 ment made in coordination with a candidate (as de-
23 scribed in section 301(8)(A)(iii)) shall be considered
24 to be a contribution to the candidate, and, for the
25 purposes of any provision of this Act that imposes

1 a limitation on the making of expenditures by a can-
 2 didate, shall be treated as an expenditure by the
 3 candidate for purposes of this paragraph.

4 “(ii) In the case of a clean money candidate (as
 5 defined in section 501), a payment made in coordi-
 6 nation with a candidate by a committee of a political
 7 party shall not be treated as a contribution to the
 8 candidate for purposes of section 503(b)(1) or an ex-
 9 penditure made by the candidate for purposes of sec-
 10 tion 503(b)(2).”.

11 **TITLE III—VOTER INFORMATION**

12 **SEC. 301. FREE BROADCAST TIME.**

13 Section 315 of the Communications Act of 1934 (47
 14 U.S.C. 315), as amended by section 504 of the Bipartisan
 15 Campaign Reform Act of 2002, is amended—

16 (1) in subsection (a), in the third sentence, by
 17 striking “within the meaning of this subsection” and
 18 inserting “within the meaning of this subsection or
 19 subsection (c)”;

20 (2) by redesignating subsections (f) and (g) as
 21 subsections (g) and (h), respectively;

22 (3) by inserting after subsection (e) the fol-
 23 lowing:

24 “(f) FREE BROADCAST TIME.—

1 “(1) AMOUNT OF TIME.—A clean money can-
2 didate shall be entitled to receive—

3 “(A) 30 minutes of free broadcast time
4 during each of the primary election period and
5 the primary runoff election period; and

6 “(B) 75 minutes of free broadcast time
7 during the general election period and general
8 runoff election period.

9 “(2) TIME DURING WHICH THE BROADCAST IS
10 SHOWN.—The broadcast time under paragraph (1)
11 shall be—

12 “(A) with respect to a television broadcast,
13 the time between 6:00 p.m. and 10:00 p.m. on
14 any day that falls on Monday through Friday;

15 “(B) with respect to a radio broadcast, the
16 time between 7:00 a.m. and 9:30 a.m. or be-
17 tween 4:30 p.m. and 7:00 p.m. on any day that
18 falls on Monday through Friday; or

19 “(C) with respect to any broadcast, such
20 other time to which the candidate and broad-
21 caster may agree.

22 “(3) MAXIMUM REQUIRED OF ANY STATION.—
23 The amount of free broadcast time that any 1 sta-
24 tion is required to make available to any 1 clean
25 money candidate during each of the primary election

1 period, primary runoff election period, and general
2 election period shall not exceed 15 minutes.”; and

3 (4) in subsection (c)—

4 (A) by striking “and” at the end of para-
5 graph (1);

6 (B) by striking the period at the end of
7 paragraph (2) and inserting a semicolon, and
8 by redesignating that paragraph as paragraph
9 (4);

10 (C) by inserting after paragraph (1) the
11 following:

12 “(2) the term ‘clean money candidate’ has the
13 meaning given in section 501 of the Federal Election
14 Campaign Act of 1971;

15 “(3) the terms ‘general election period’ and
16 ‘general runoff election period’ have the meaning
17 given in section 501 of the Federal Election Cam-
18 paign Act of 1971;” and

19 (D) by adding at the end the following:

20 “(5) the term ‘primary election period’ has the
21 meaning given in section 501 of the Federal Election
22 Campaign Act of 1971;

23 “(6) the term ‘private money candidate’ has the
24 meaning given in section 501 of the Federal Election
25 Campaign Act of 1971; and

1 “(7) the term ‘primary runoff election period’
2 has the meaning given in section 501 of the Federal
3 Election Campaign Act of 1971.”.

4 **SEC. 302. BROADCAST RATES AND PREEMPTION.**

5 (a) BROADCAST RATES.—Section 315(b) of the Com-
6 munications Act of 1934 (47 U.S.C. 315(b)), as amended
7 by section 305(a) of the Bipartisan Campaign Reform Act
8 of 2002, is amended—

9 (1) in paragraph (1)(A), by striking “paragraph
10 (2)” and inserting “paragraphs (2) and (3)”; and

11 (2) by adding at the end the following:

12 “(3) CLEAN MONEY CANDIDATES.—In the case
13 of a clean money candidate, the charges for the use
14 of a television broadcasting station shall not exceed
15 50 percent of the lowest charge described in para-
16 graph (1)(A) during—

17 “(A) the 30 days preceding the date of a
18 primary or primary runoff election in which the
19 candidate is opposed; and

20 “(B) the 60 days preceding the date of a
21 general or special election in which the can-
22 didate is opposed.

23 “(4) OTHER HOUSE CANDIDATES.—In the case
24 of a candidate for election for Member of, or Dele-
25 gate or Resident Commissioner to, the Congress who

1 is not a clean money candidate, paragraph (1)(A)
2 shall not apply.

3 “(5) RATE CARDS.—A licensee shall provide to
4 a candidate for Member of or Delegate or Resident
5 Commissioner to the Congress a rate card that dis-
6 closes—

7 “(A) the rate charged under this sub-
8 section; and

9 “(B) the method that the licensee uses to
10 determine the rate charged under this sub-
11 section.”.

12 (b) PREEMPTION.—Section 315 of such Act (47
13 U.S.C. 315), as amended by section 301, is amended by
14 adding at the end the following:

15 “(g) PREEMPTION.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), a licensee shall not preempt the use of a
18 broadcasting station by a legally qualified candidate
19 for Member of or Delegate or Resident Commis-
20 sioner to the Congress who has purchased and paid
21 for such use.

22 “(2) CIRCUMSTANCES BEYOND CONTROL OF LI-
23 CENSEE.—If a program to be broadcast by a broad-
24 casting station is preempted because of cir-
25 cumstances beyond the control of the broadcasting

1 station, any candidate advertising spot scheduled to
 2 be broadcast during that program may also be pre-
 3 empted.”.

4 (c) REVOCATION OF LICENSE FOR FAILURE TO PER-
 5 MIT ACCESS.—Section 312(a)(7) of such Act (47 U.S.C.
 6 312(a)(7)) is amended—

7 (1) by striking “or repeated”;

8 (2) by inserting “or cable system” after “broad-
 9 casting station”; and

10 (3) by striking “his candidacy” and inserting
 11 “the candidacy of the candidate, under the same
 12 terms, conditions, and business practices as apply to
 13 the most favored advertiser of the licensee”.

14 **SEC. 303. LIMIT ON CONGRESSIONAL USE OF THE FRANK-**
 15 **ING PRIVILEGE.**

16 Section 3210(a)(6) of title 39, United States Code,
 17 is amended by striking subparagraph (A) and inserting
 18 the following:

19 “(A)(i) Except as provided in clause (ii), a Member
 20 of Congress shall not mail any mass mailing as franked
 21 mail during the period which begins on the first day of
 22 the primary election period (as described in section
 23 501(12) of the Federal Election Campaign Act of 1971)
 24 and ends on the date of the general election for that office
 25 (other than any portion of such period between the date

1 of the primary election and the first day of the general
 2 election period), unless the Member has made a public an-
 3 nouncement that the Member will not be a candidate for
 4 reelection in that year or for election to any other Federal
 5 office.

6 “(ii) A Member of Congress may mail a mass mailing
 7 as franked mail if—

8 “(I) the purpose of the mailing is to commu-
 9 nicate information about a public meeting; and

10 “(II) the content of the mailed matter includes
 11 only the Representative’s name, and the date, time,
 12 and place of the public meeting.”.

13 **TITLE IV—RESTRUCTURING AND** 14 **STRENGTHENING OF THE** 15 **FEDERAL ELECTION COMMIS-** 16 **SION**

17 **SEC. 401. APPOINTMENT AND TERMS OF COMMISSIONERS.**

18 (a) IN GENERAL.—Section 306(a) of the Federal
 19 Election Campaign Act of 1971 (2 U.S.C. 437c(a)) is
 20 amended—

21 (1) in paragraph (1)—

22 (A) by striking “(1) There is established”
 23 and inserting “(1)(A) There is established”;

24 (B) by striking the second sentence and in-
 25 serting the following:

1 “(B) COMPOSITION OF COMMISSION.—The Commis-
 2 sion is composed of 6 members appointed by the Presi-
 3 dent, by and with the advice and consent of the United
 4 States Senate, and 1 member appointed by the President
 5 from among persons recommended by the Commission as
 6 provided in subparagraph (D).”;

7 (C) by striking “No more than” and in-
 8 serting the following:

9 “(C) PARTY AFFILIATION.—Not more than”; and

10 (D) by adding at the end the following:

11 “(D) NOMINATION BY COMMISSION OF ADDITIONAL
 12 MEMBER.—

13 “(i) IN GENERAL.—The members of the Com-
 14 mission shall recommend to the President, by a vote
 15 of 4 members, 3 persons for the appointment to the
 16 Commission.

17 “(ii) VACANCY.—On vacancy of the position of
 18 the member appointed under this subparagraph, a
 19 member shall be appointed to fill the vacancy in the
 20 same manner as provided in clause (i).”; and

21 (2) in paragraphs (3) and (4), by striking
 22 “(other than the Secretary of the Senate and the
 23 Clerk of the House of Representatives)”.

24 (b) TRANSITION RULE.—Not later than 90 days after
 25 the date of enactment of this Act, the Federal Election

1 Commission shall recommend persons for appointment
 2 under section 306(a)(1)(D) of the Federal Election Cam-
 3 paign Act of 1971, as added by subsection (a)(1)(D).

4 **SEC. 402. AUDITS.**

5 Section 311(b) of the Federal Election Campaign Act
 6 of 1971 (2 U.S.C. 438(b)) is amended—

7 (1) by inserting “(1)” before “The Commis-
 8 sion”; and

9 (2) by adding at the end the following:

10 “(2) RANDOM AUDITS.—

11 “(A) IN GENERAL.—Notwithstanding para-
 12 graph (1), after every primary, general, and
 13 runoff election, the Commission may conduct
 14 random audits and investigations to ensure vol-
 15 untary compliance with this Act.

16 “(B) SELECTION OF SUBJECTS.—The sub-
 17 jects of audits and investigations under this
 18 paragraph shall be selected on the basis of im-
 19 partial criteria established by a vote of at least
 20 4 members of the Commission.

21 “(C) EXCLUSION.—This paragraph does
 22 not apply to an authorized committee of a can-
 23 didate for President or Vice President subject
 24 to audit under chapter 95 or 96 of the Internal
 25 Revenue Code of 1986.”.

1 **SEC. 403. AUTHORITY TO SEEK INJUNCTION.**

2 Section 309(a) of the Federal Election Campaign Act
3 of 1971 (2 U.S.C. 437g(a)) is amended—

4 (1) by adding at the end the following:

5 “(13) AUTHORITY TO SEEK INJUNCTION.—

6 “(A) IN GENERAL.—If, at any time in a pro-
7 ceeding described in paragraph (1), (2), (3), or (4),
8 the Commission believes that—

9 “(i) there is a substantial likelihood that a
10 violation of this Act is occurring or is about to
11 occur;

12 “(ii) the failure to act expeditiously will re-
13 sult in irreparable harm to a party affected by
14 the potential violation;

15 “(iii) expeditious action will not cause
16 undue harm or prejudice to the interests of oth-
17 ers; and

18 “(iv) the public interest would be best
19 served by the issuance of an injunction;

20 the Commission may initiate a civil action for a tem-
21 porary restraining order or preliminary injunction
22 pending the outcome of proceedings under para-
23 graphs (1), (2), (3), and (4).

24 “(B) VENUE.—An action under subparagraph
25 (A) shall be brought in the United States district
26 court for the district in which the defendant resides,

1 transacts business, or may be found, or in which the
 2 violation is occurring, has occurred, or is about to
 3 occur.”;

4 (2) in paragraph (7), by striking “(5) or (6)”
 5 and inserting “(5), (6), or (13)”; and

6 (3) in paragraph (11), by striking “(6)” and in-
 7 serting “(6) or (13)”.

8 **SEC. 404. STANDARD FOR INVESTIGATION.**

9 Section 309(a)(2) of the Federal Election Campaign
 10 Act of 1971 (2 U.S.C. 437f(a)(2)) is amended by striking
 11 “reason to believe that” and inserting “reason to open an
 12 investigation on whether”.

13 **SEC. 405. PETITION FOR CERTIORARI.**

14 Section 307(a)(6) of the Federal Election Campaign
 15 Act of 1971 (2 U.S.C. 437d(a)) is amended by inserting
 16 “(including a proceeding before the Supreme Court on cer-
 17 tiorari)” after “appeal”.

18 **SEC. 406. EXPEDITED PROCEDURES.**

19 Section 309(a) of the Federal Election Campaign Act
 20 of 1971 (2 U.S.C. 437g(a)), as amended by section 403,
 21 is amended by adding at the end the following:

22 “(14) EXPEDITED PROCEDURE.—

23 “(A) 60 DAYS BEFORE A GENERAL ELEC-
 24 TION.—If the complaint in a proceeding was
 25 filed within 60 days before the date of a general

1 election, the Commission may take action de-
2 scribed in this subparagraph.

3 “(B) RESOLUTION BEFORE AN ELEC-
4 TION.—If the Commission determines, on the
5 basis of facts alleged in the complaint and other
6 facts available to the Commission, that there is
7 clear and convincing evidence that a violation of
8 this Act has occurred, is occurring, or is about
9 to occur and it appears that the requirements
10 for relief stated in clauses (ii), (iii), and (iv) of
11 paragraph (13)(A) are met, the Commission
12 may—

13 “(i) order expedited proceedings,
14 shortening the time periods for proceedings
15 under paragraphs (1), (2), (3), and (4) as
16 necessary to allow the matter to be re-
17 solved in sufficient time before the election
18 to avoid harm or prejudice to the interests
19 of the parties; or

20 “(ii) if the Commission determines
21 that there is insufficient time to conduct
22 proceedings before the election, imme-
23 diately seek relief under paragraph
24 (13)(A).

“(C) MERITLESS COMPLAINTS.—If the Commission determines, on the basis of facts alleged in the complaint and other facts available to the Commission, that the complaint is clearly without merit, the Commission may—

“(i) order expedited proceedings, shortening the time periods for proceedings under paragraphs (1), (2), (3), and (4) as necessary to allow the matter to be resolved in sufficient time before the election to avoid harm or prejudice to the interests of the parties; or

“(ii) if the Commission determines that there is insufficient time to conduct proceedings before the election, summarily dismiss the complaint.”.

SEC. 407. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)), as amended by section 501 of the Bipartisan Campaign Reform Act of 2002, is amended—

(1) in subparagraph (A), by striking “under this Act—” and all that follows and inserting “under this Act shall be required to maintain and

1 file such designation, statement, or report in elec-
2 tronic form accessible by computers.”;

3 (2) in subparagraph (B), by striking “48
4 hours” and all that follows through “filed electroni-
5 cally)” and inserting “24 hours”; and

6 (3) by striking subparagraph (D).

7 (b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS
8 MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS
9 OF ELECTION; REQUIRING REPORTS TO BE MADE WITH-
10 IN 24 HOURS.—Section 304(a)(6) of such Act (2 U.S.C.
11 434(a)(6)) is amended to read as follows:

12 “(6)(A) Each political committee shall notify the Sec-
13 retary or the Commission, and the Secretary of State, as
14 appropriate, in writing, of any contribution received by the
15 committee during the period which begins on the 90th day
16 before an election and ends at the time the polls close for
17 such election. This notification shall be made within 24
18 hours (or, if earlier, by midnight of the day on which the
19 contribution is deposited) after the receipt of such con-
20 tribution and shall include the name of the candidate in-
21 volved (as appropriate) and the office sought by the can-
22 didate, the identification of the contributor, and the date
23 of receipt and amount of the contribution.

1 “(B) The notification required under this paragraph
 2 shall be in addition to all other reporting requirements
 3 under this Act.”.

4 **SEC. 408. POWER TO ISSUE SUBPOENA WITHOUT SIGNA-**
 5 **TURE OF CHAIRPERSON.**

6 Section 307(a)(3) of the Federal Election Campaign
 7 Act of 1971 (2 U.S.C. 437d(a)(3)) is amended by striking
 8 “, signed by the chairman or the vice chairman,”.

9 **TITLE V—MISCELLANEOUS**
 10 **PROVISIONS**

11 **SEC. 501. SEVERABILITY.**

12 If any provision of this Act or amendment made by
 13 this Act, or the application of a provision or amendment
 14 to any person or circumstance, is held to be unconstitu-
 15 tional, the remainder of this Act and amendments made
 16 by this Act, and the application of the provisions and
 17 amendment to any person or circumstance, shall not be
 18 affected by the holding.

19 **SEC. 502. REVIEW OF CONSTITUTIONAL ISSUES.**

20 An appeal may be taken directly to the Supreme
 21 Court of the United States from any final judgment, de-
 22 cree, or order issued by any court ruling on the constitu-
 23 tionality of any provision of this Act or amendment made
 24 by this Act.

1 **SEC. 503. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on January 1, 2004.

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